

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTONIO DEWAYNE MINGO,

Defendant.

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CASE NO: 7:22-cr-66 (WLS)

ORDER

On December 15, 2022, Defendant Antonio DeWayne Mingo was indicted by a grand jury in a two (2) count indictment. (Doc. 1.) Count One charged Distribution of Cocaine Base in violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(C) and 18 U.S.C. § 2. (*Id.*) Count Two charged Distribution of Cocaine Base in violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(C) and 18 U.S.C. § 2. (*Id.*)

On February 16, 2023, the Government filed a Motion for a Protective Order Governing Discovery Material. (Doc. 23.) Therein, the Government moves for protective order limiting the use and dissemination of discovery material and information in the above captioned case to protect the identify of a confidential source. (*Id.*) The Government also references a proposed order, which to date has not been filed on the record, that the Government claims would balance the defense team's need for access to materials with the privacy concerns of individuals and businesses associated with the discovery materials. (*Id.*) The Government provides no case law to support their motion, but rather claims that the authority to issue a protective order in this matter is authorized by "Federal Rule of Criminal Discovery 16(d)(1)." (Doc. 23.)

In order to ensure the prompt resolution of this matter, Defense Counsel was ordered to file a Response and/or Objection to the Government's Motion on February 21, 2023. (Doc. 24.) Defense Counsel noticed the Court that Defendant had no opposition to the issuance of a discovery protective order in this case on February 24, 2023. (Doc. 26.)

As the Government's Motion (Doc. 23) did not provide sufficient information for this Court to determine whether good cause for a Protective Order in this case exists, but rather vaguely references a non-submitted proposed order, the Government is hereby **ORDERED** to file on the record the proposed order within seven (7) days of the entry of this Order. In order for the Court to properly exercise its discretion pursuant to Federal Rule of Criminal Procedure 16(d) the Government is also hereby **ORDERED** to include with that proposed order the facts, reasons and relevant case law that authorize the issuance of a protective order to protect the identities of confidential informants. If necessary, the detailed facts and reasons may be submitted to the Court *ex parte*.

SO ORDERED, this 28th day of February 2023.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT